

2014 -- H 7653 SUBSTITUTE A

LC003815/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- DRIVERS OF TAXICABS,
LIMITED PUBLIC MOTOR VEHICLES AND PUBLIC MOTOR VEHICLES

Introduced By: Representatives Jacquard, Nunes, and Palangio

Date Introduced: February 27, 2014

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 39 of the General Laws entitled "PUBLIC UTILITIES AND
2 CARRIERS" is hereby amended by adding thereto the following chapter:

3 CHAPTER 14.2

4 NATIONAL CRIMINAL RECORDS CHECK

5 **39-14.2-1. Declaration of purpose and policy.** -- The legislature hereby finds the
6 following legislation to be in the public interest for these reasons:

7 WHEREAS, Public passengers have a right to expect safe passage in for-hire vehicles
8 such as taxicabs and limited public motor vehicles and public motor vehicles as defined in
9 chapters 14 and 14.1 of Title 39 of the Rhode Island General Laws.

10 WHEREAS, Foreign travelers and local residents alike have a right when hailing or
11 hiring a ride to expect that the driver of said vehicle has undergone a thorough criminal record
12 vetting process.

13 WHEREAS, That the goal of a criminal background check is to eliminate, or minimize to
14 the greatest extent, the possibility that the regulated driver may in any way put the passenger's
15 safety and well-being at risk.

16 WHEREAS, A criminal records check limited to Rhode Island does not adequately
17 inform the regulating authority of the driver's criminal history beyond this small state's borders,

18 WHEREAS, Only a complete nationwide review of an applicant driver's criminal record

1 can provide adequate information for license-issuance intended to protect the riding public.

2 WHEREAS, The Rhode Island passenger carrier industry deserves a threshold level of
3 quality and safety standards that do not encourage the employment or harboring of drivers with
4 out-of-state disqualifying criminal records who otherwise would be disqualified to drive had the
5 same criminal record originated in-state.

6 **39-14.2-2. Definitions. -- As used in this chapter:**

7 (1) "Conviction" means, in addition to judgments of conviction entered by a court
8 subsequent to a finding of guilty or a plea of guilty, those instances where the defendant has
9 entered a plea of nolo contendere, regardless of the disposition of sentence, including a sentence
10 of probation, and those instances where a defendant has entered into a deferred sentence
11 agreement with the attorney general.

12 (2) "Division" means the Rhode Island division of public utilities and carriers.

13 (3) "Disqualifying information" means information produced by a criminal records check
14 pertaining to conviction, for the following crimes will result in a letter to the applicant and the
15 division disqualifying the applicant from issuance of a HACKNEY OPERATOR'S LICENSE:
16 Murder, voluntary manslaughter, involuntary manslaughter, first degree sexual assault, second
17 degree sexual assault, third degree sexual assault, first degree child molestation sexual assault,
18 second degree child molestation sexual assault, assault on persons sixty (60) years of age or older,
19 assault with intent to commit specified felonies (murder, robbery, rape, burglary, or the
20 abominable and detestable crime against nature) felony assault, burglary, breaking and entering,
21 first degree arson, robbery, felony drug offenses, larceny or driving under the influence of liquor
22 or drugs.

23 (4) "Driver" means a person required to hold a hackney operator's license who delivers
24 passengers for hire as contemplated in Rhode Island general laws chapters 14 and 14.1 of title 39.

25 (5) "Applicant" means any individual seeking a hackney operator's license for the first
26 time or a renewal of one previously issued by the division.

27 (6) "Hackney operator's license" means a special license, commonly referred to as a "blue
28 card" issued by the division, authorizing the holder thereof to transport passengers in a taxicab,
29 limited public motor vehicle or public motor vehicle in accordance with Rhode Island general
30 laws §§ 39-14-20 or 39-14.1-8.

31 **39-14.2-3. Powers of division. --** The division may prescribe any rules and regulations or
32 policy that it deems proper to foster the intent of this chapter and to assure safe passenger service
33 to the public.

34 **39-14.2-4. National criminal records check. --** (a) Starting on September 1, 2014, all

1 first-time applicants for a division-issued hackney operator's license shall undergo a one-time
2 national criminal records check. Individuals who possess an active division-issued hackney
3 operator's license on September 1, 2014, shall undergo a one-time national criminal records check
4 at the time they next seek to renew their hackney operator's license. Any former hackney operator
5 licensee seeking to renew or reactivate a hackney operator's license that has been expired for
6 more than twelve (12) months shall be treated as a first-time applicant and shall undergo a one-
7 time national criminal records check.

8 (b) The person shall apply to the bureau of criminal identification (BCI), department of
9 attorney general, state police or local police department where he or she resides, for a national
10 criminal records check. Fingerprinting shall be required. Upon the discovery of any disqualifying
11 information, the bureau of criminal identification, state police or local police department shall
12 inform the applicant in writing of the nature of the disqualifying information and, without
13 disclosing the nature of the disqualifying information will notify the division in writing that
14 disqualifying information has been discovered.

15 (c) In those situations in which no disqualifying information has been found, the bureau
16 of criminal identification, state police or local police department shall inform the applicant and
17 the division in writing of this fact.

18 (d) An applicant against whom disqualifying information has been found may provide a
19 copy of the national criminal records check to the division. The division shall make an
20 independent judgment regarding the licensing of the applicant based on any and all information
21 provided, and in accordance with rules and regulations adopted by the division.

22 (e) The division shall maintain on file evidence that criminal records checks have been
23 initiated on all applicants after September 1, 2014 and the results of the checks.

24 (f) The applicant shall be responsible for the costs of the national criminal records check.
25 However, any applicant required to provide a national criminal background check to the division
26 shall not be required to provide a Rhode Island statewide criminal background check during the
27 same application process.

28 SECTION 2. This act shall take effect on September 1, 2014.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- DRIVERS OF TAXICABS,
LIMITED PUBLIC MOTOR VEHICLES AND PUBLIC MOTOR VEHICLES

1 This act would require anyone seeking the issuance or renewal of a hackney operator's
2 license for the purpose of driving a taxicab, limited public motor vehicle, or public motor vehicle
3 to undergo a national and state criminal background check.

4 This act would take effect on September 1, 2014.

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